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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,738	12/05/2003	Joseph C. Deaton	87193AEK	1319

7590

11/15/2005

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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/729,738	Applicant(s) DEATON ET AL.	
	Examiner Dawn Garrett	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9, 11-14, 17-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9, 11-14, 18, 21-26 and 29-32 is/are allowed.
- 6) ☒ Claim(s) 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 27, 28 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-11-2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment dated August 25, 2005. Claims 1, 10, 15, 16, and 20 are canceled. Claims 2,-7, 9, 11, 12, 17-19, 21, and 23-29 have been amended. Claims 30-33 have been added. Claims 2-9, 11-14, 17-19, and 21-33 are pending.
2. The objection to the abstract is withdrawn due to the new abstract submitted August 25, 2005.
3. The objection to claims 6, 9, 15, 17, 18, and 19 is withdrawn due to the amendment.
4. The rejection of claim 25 under 35 U.S.C. 112, second paragraph, is withdrawn due to the amendment.
5. The rejection of claims 1-4, 6, 9, 16-18, 20, 21, and 27-29 under 35 U.S.C. 102(e) as being anticipated by Thompson et al. (US 2003/0017361 A1) is withdrawn due to the amendment.
6. The rejection of claims 22, 24, and 26 under 35 U.S.C. 103(a) as being unpatentable over Thompson (US 2003/0017361 A1) is withdrawn due to the amendment.
7. The rejection of claim 25 under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 2003/0017361) in view of Fukuoka et al. (US 2002/0168544) is withdrawn due to the amendment .
8. The prior indication in the last Office action regarding claim 19 as containing allowable subject matter is withdrawn.

Claim Objections

9. Claims 27, 28, and 33 are objected to because of the following informalities:

In each of claims 27, 28 and 33, "OLED device" should be changed to "electroluminescent device" for consistency in terminology with the parent claim(s).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilmartin (US 5,830,341). Gilmartin discloses a metalo isoindole ringed compound coordinated to Ru or Rh (see col. 5, lines 14-15). The metal complexes are deemed to be fully complexed with isoindole ligands (see col. 8, lines 50-64).

12. Claims 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2-049785. JP 2-049785 discloses isoindole complexes comprising metals as the "M" variable in formula (I) (see abstract and formula I). The metal complexes are deemed to be fully complexed with isoindole ligands.

Allowable Subject Matter

13. Claims 2-9, 11-14, 18, 21-26, and 29-32 are allowed in view of applicant's response and the reasons set forth in the last Office action, paragraph 11.

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Response to Arguments


14. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground of rejection.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

November 8, 2005